

**Davidson, Florene, EMNRD**

---

**From:** Brooks, David K., EMNRD  
**Sent:** Tuesday, April 03, 2012 2:41 PM  
**To:** Davidson, Florene, EMNRD  
**Subject:** FW: Nearburg's Motions re Case No. 14582

Please set this case for hearing on May 10.

David

---

**From:** Tom Kellahin [mailto:tkellahin@comcast.net]  
**Sent:** Tuesday, April 03, 2012 7:00 AM  
**To:** Brooks, David K., EMNRD; 'Michael Feldewert'  
**Cc:** Davidson, Florene, EMNRD; Warnell, Terry G, EMNRD; Compton.Mark  
**Subject:** RE: Nearburg's Motions re Case No. 14582

Dear David,

I am trying to prepare a revised agreement concerning the voluntary stay of the drilling, election and payment periods.

May 12 is a Saturday--I think you mean the May 10 Docket. Correct?

Sincerely,

**Tom Kellahin**  
Kellahin & Kellahin  
Attorneys at Law  
706 Gonzales Road  
Santa Fe, NM 87501  
ph 505-982-4285  
Fx 505.216.2780  
Email [tkellahin@comcast.net](mailto:tkellahin@comcast.net)

---

**From:** Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]  
**Sent:** Monday, April 02, 2012 4:29 PM  
**To:** Michael Feldewert; Tom Kellahin  
**Cc:** Davidson, Florene, EMNRD; Warnell, Terry G, EMNRD  
**Subject:** RE: Nearburg's Motions re Case No. 14582

Gentlemen

We are glad you reached an agreement to obviate the need for an emergency order.

However, due to the extremely heavy hearing docket on April 26, the Division will need to defer argument on the application to re-open to the May 12 docket.

Hopefully the agreement can be extended to cover that delay.

Sincerely,

David K. Brooks

---

**From:** Michael Feldewert [<mailto:MFeldewert@hollandhart.com>]  
**Sent:** Friday, March 30, 2012 11:40 AM  
**To:** Tom Kellahin  
**Cc:** Brooks, David K., EMNRD  
**Subject:** Nearburg's Motions re Case No. 14582

Tom: Nearburg agrees with your proposal outlined below. I have copied David Brooks on this email so that he is aware of the fact that a conference next Wednesday is no longer needed.

*Michael H. Feldewert*  
Santa Fe Office  
505-988-4421  
505-983-6043 (fax)  
[mfeldewert@hollandhart.com](mailto:mfeldewert@hollandhart.com)



**CONFIDENTIALITY NOTICE:** This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.

---

**From:** Tom Kellahin [<mailto:tkellahin@comcast.net>]  
**Sent:** Thursday, March 29, 2012 4:42 PM  
**To:** Michael Feldewert  
**Subject:** RE: Nearburg's Motions re Case No. 14582

Mike--Thanks for the documents. While I have not have time to understand the motion to reopen Case 14582, it appears to me that we may be able to reach a voluntary scheduling solution. I believe that Mr. Brooks wants a meeting to address your request for a stay of the drilling of the #3H and the corresponding election and payment periods.

I propose the following:

- (a) Cimarex will voluntarily postpone the drilling of the #3H and the corresponding election and payment period until the Division enters an order either granting or denying Nearburg's motion to reopen Case 14582. Thereafter, the Division may grant or deny further postponements based upon the decision made about the motion to reopen.
- (b) Nearburg's motion to reopen will be set for argument on the Examiner's docket scheduled for April 26, 2012,
- (c) Cimarex shall file its reply and any related motion(s) on or before April 16th,
- (d) Nearburg shall file its responsive pleadings on or before April 20th,

If this is acceptable, I will inform Mr. Brooks and file my entry of appearance,

Regards,

**Tom Kellahin**  
Kellahin & Kellahin  
Attorneys at Law  
706 Gonzales Road  
Santa Fe, NM 87501  
ph 505-982-4285  
Fx 505.216.2780

Email [tkellahin@comcast.net](mailto:tkellahin@comcast.net)

---

**From:** Michael Feldewert [<mailto:MFeldewert@hollandhart.com>]  
**Sent:** Thursday, March 29, 2012 2:28 PM  
**To:** Tom Kellahin; 'Brooks, David K., EMNRD'  
**Cc:** [jamesbruc@aol.com](mailto:jamesbruc@aol.com); Adam Rankin  
**Subject:** Nearburg's Motions re Case No. 14582

Tom: The attached documents comprise what was filed with the Division prompting the need for a conference this week. Let me know if you need anything else.

---

**From:** Tom Kellahin [<mailto:tkellahin@comcast.net>]  
**Sent:** Thursday, March 29, 2012 2:14 PM  
**To:** 'Brooks, David K., EMNRD'; [jamesbruc@aol.com](mailto:jamesbruc@aol.com); Michael Feldewert  
**Cc:** Compton.Mark  
**Subject:** RE: Case No. 14582

Dear David,

Yesterday both Mr. Bruce and Cimarex contacted me about replacing Mr. Bruce in this referenced case. I advised Mr. Bruce that because of a prior doctor's appointment, I would not be attending the OCD hearing today. I have now returned to my office and find your email.

I have not received or reviewed Mr. Bruce's file for this case and have not been able to reach him this afternoon. At this point, I do not see how I can be prepared for a "status conference" tomorrow.

Regards,

**Tom Kellahin**  
Kellahin & Kellahin  
Attorneys at Law  
706 Gonzales Road  
Santa Fe, NM 87501  
ph 505-982-4285  
Fx 505.216.2780  
Email [tkellahin@comcast.net](mailto:tkellahin@comcast.net)

---

**From:** Brooks, David K., EMNRD [<mailto:david.brooks@state.nm.us>]  
**Sent:** Thursday, March 29, 2012 10:35 AM  
**To:** [jamesbruc@aol.com](mailto:jamesbruc@aol.com); [MFeldewert@hollandhart.com](mailto:MFeldewert@hollandhart.com); Tom Kellahin  
**Subject:** RE: Case No. 14582

Dear Tom

I understand you will be taking over the representation of Cimarex in this case.

We need to have a status conference as soon as is reasonably possible. Are you available tomorrow?